HON'BLE MR JUSTICE A. GOPAL REDDY

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WRIT PETITION NO.27635 OF 1995

DATE:20.03.2006

Between:

M/s Integrated Rubian Exports Ltd.,

Rep. by its Manager E. Yeshwanth Kumar.

..... PETITIONER

AND

The Agricultural market Committee,

Visakhapatnam, rep. by its Secretary,

Visakhapatnam & forty four others.

.....RESPONDENTS

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HON'BLE MR JUSTICE A. GOPAL REDDY

W.P. No.27635 OF 1995

ORDER:

This writ petition has been filed to declare that the Andhra Pradesh (Agricultural Produce and Live Stock) Market Act, 1966 has no application to the prawns trade and the petitioner is not liable to pay any fee, either licence fee or market fee, on the premise that it purchases the prawns from various locations in the State of Andhra Pradesh and after getting them processed, exports the same to various countries.

The Apex Court in **ITC LTD. v . Person In-Charge, Agricultural Market Committee, Kakinada** ((2004) 2 SCC 794) held as under:

> "Normally, in common parlance animal is understood as a quadruped creature but fish is also an animal but of a different kind. Prawn is included in the definition of fish as given in the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act and has all the essential attributes of an animal viz. life, sensation and voluntary motion. It is therefore, not possible to accept the contention that prawn is not a livestock. The State Government is thus fully competent to issue a notification regarding prawns under Section 3 of the Act."

In view of the law declared by the Apex Court, the petitioner is not entitled for the relief as sought for and therefore, the writ petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

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A. GOPAL REDDY, J

20th MARCH, 2006.

Tsr